

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Consolidated For All Purposes

ABBASID, INC., dba Azhar's
Oriental Rugs, and AZHAR SAID,

Plaintiffs,

vs.

No. CIV 09-347 JP/LFG

FIRST NATIONAL BANK
OF SANTA FE,

Defendant.

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ABBASID, INC., dba Azhar's
Oriental Rugs,

Plaintiff,

vs.

No. CIV 09-354 JP/LFG

LOS ALAMOS NATIONAL BANK,

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION
TO TAKE OUT-OF-TIME DEPOSITION**

THIS MATTER comes before the Court on Defendant First National Bank of Santa Fe's Emergency Motion for Permission to Take Deposition Out of Time [Doc. 103],¹ filed October 16, 2009. The Court held a telephonic hearing on the Motion on October 19, 2009. After hearing the presentations of the parties, the Court determines that the Motion will be granted, on the following conditions:

1. The deposition of Bina Shahani is authorized to be taken out of time, if completed by November 30, 2009, with a preference for the week of November 2, 2009.

¹All references to document numbers are to the documents as filed in the lead case, Cause No. 09-347 JP/LFG.

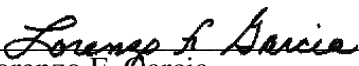
2. The time for deposition is extended to two seven-hour periods. Defendants will have, jointly, seven hours within which to depose the witness, and Plaintiff will have seven additional hours for cross-examination.

3. No other depositions will be allowed out-of-time, and no other case management deadlines are affected by this ruling.

4. Bina Shahani is admonished that any failure to cooperate may result in court-ordered sanctions.

Order

IT IS THEREFORE ORDERED that the Motion for Out of Time Deposition [Doc. 103] is granted, on the conditions described above.



Lorenzo F. Garcia
Chief United States Magistrate Judge